

Appl. No. : 10/804,407
Filed : March 19, 2004

REMARKS

Claims 17, 22, 26, 29 and 30 are canceled herein without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the canceled claim in this or any other patent application.

Claims 18 and 21 are amended herein. Claim 21 is amended to recite all elements of Claim 17, from which Claim 21 previously depended. Claim 18 is amended to depend from Claim 21. Support for the amendment to Claim 21 is found in the specification, for example, at page 7, lines 2-7. The amendments to the claims do not add new matter.

Upon entry of the amendment, Claims 18 and 21 are pending in this application.

Rejection of Claims 17, 18, 22, 29 and 30 under 35 U.S.C. § 103

Claims 17, 18, 22, 29 and 30 are rejected under 35 U.S.C. §103 as being obvious over Toida (JP 2001-232730) in view of Nomura (Nippon Steel Technical Report 87:43-45 2003).

Claims 17, 22, 29 and 30 are canceled herein. Accordingly, this rejection, as applied to Claims 17, 22, 29 and 30, is moot. Claim 18 is amended to depend from Claim 21, which is not rejected as obvious over JP 2001-232730 in view of Nomura. Accordingly, this rejection of Claim 18 is moot.

Rejection of Claims 21 and 26 under 35 U.S.C. § 103

Claims 21 and 26 are rejected under 35 U.S.C. § 103 as obvious over JP 2001-232730 in view of Nomura and Shibata (US 2001/0020515). The Office Action states that the resin layer of JP 2001-232730 contains all of the elements of the hard coating layer recited in the claims. The Office Action states that the swelling rate of JP 2001-232730's compositions is inherently the same as that recited in the claims. The Office Action states that Nomura teaches use of a polymer containing a HALS compound and a cyclohexyl methacrylate. The Office Action states that Shibata teaches a pressure-sensitive adhesive with the recited thickness.

Claim 26 is canceled herein. Accordingly, this rejection as applied to Claim 26, is moot.

Presently pending Claim 21, and Claim 18 dependent therefrom, are non-obvious over the cited references. Presently pending Claim 21 is directed to an adhesive tape containing, *inter alia*, a hard coating layer having a three-dimensional structure comprising methacrylic and/or

Appl. No. : **10/804,407**
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acrylic polymers crosslinked with each other, where the methacrylic and/or acrylic polymers comprise a HALS-hybrid methacrylic or acrylic polymer, wherein said HALS-hybrid methacrylic or acrylic polymer comprises cyclohexyl methacrylate or cyclohexyl acrylate, and 2-hydroxyethyl methacrylate or 2-hydroxyethyl acrylate, as monomer components. No combination of the cited references renders Claim 21 obvious because the references, alone or combined, do not teach a HALS-hybrid methacrylic or acrylic polymer comprising cyclohexyl methacrylate or cyclohexyl acrylate, and 2-hydroxyethyl methacrylate or 2-hydroxyethyl acrylate, as monomer components. Although Nomura provides a resin containing cyclohexyl methacrylate, there is no indication in Nomura or the other cited references that further improvements can be made by adding 2-hydroxyethyl methacrylate or 2-hydroxyethyl acrylate to the polymer.

Applicants have found that a HALS-hybrid methacrylic or acrylic polymer comprising cyclohexyl methacrylate or cyclohexyl acrylate, and 2-hydroxyethyl methacrylate or 2-hydroxyethyl acrylate, as monomer components is able to completely block infiltration of a solvent such as toluene into the substrate and to prevent swelling of the substrate, while maintaining good weather resistance. None of the references, alone or combined, teaches any benefit that would arise from the combination of the recited elements, much less the advantage that Applicants have found. Accordingly, no combination of the references renders present Claim 21 obvious.

Further, the cited references do not teach either that the recited HALS-hybrid methacrylic or acrylic polymer is an essential component of a hard coating layer or an adhesive tape using the said hard coating layer. JP 2001-232730 teaches a hard coat film containing a base material, a resin layer, and a hard coat resin film on the resin layer (see JP 2001-232730 at abstract). JP 2001-232730 teaches that the hard coat layer contains a resin formed from a silicon-containing compound (see JP 2001-232730 at paragraphs [0049]-[0072]). The silicon-containing resin used in the hard coat layer of JP 2001-232730 is structurally unrelated to the resin used in the hard coat layer of the claimed adhesive tape. Thus, the resin of the hard coat layer of Claim 21 is not present in the hard coat layer of JP 2001-232730. The Office Action points to the resin of the resin layer of JP 2001-232730, not the resin of the hard coat resin layer, as corresponding to the resin of Applicants' hard coating layer. However, Applicants' claims recite that the hard coat layer, not a separate layer, contains this resin. The hard coat resin layer of JP 2001-232730 does

not contain the resin of Applicants' hard coating layer. As such, the structure of the film of JP 2001-232730 is distinct from the structure of the tape of Claim 21.

Nomura does not teach a HALS-hybrid methacrylic or acrylic polymer in an adhesive tape. Nomura is directed to paints, not adhesive tapes. It was known in the art that components of paints were not interchangeable with components of adhesive tapes. This is demonstrated by the cited reference Shibata, which teaches the use of adhesive sheets to protect paint. According to Shibata, it was known in the art that paint films alone did not provide adequate protection and that adhesive sheets provided additional protection (see Shibata at "DESCRIPTION OF THE RELATED ART"). Further, according to Shibata's teachings, instead of incorporating the protective elements of a film into the paint, or vice versa, in order to obtain adequate protection, a film is added onto the paint (see Shibata at "SUMMARY OF THE INVENTION"). Thus, according to Shibata, the manner for enjoying the benefits of a paint and of a film is the use both a paint and a film, not to incorporate the components of one into the other. As such, Shibata's teachings would lead those skilled in the art to consider that improvements to paints and films are independent of each other since the manner for enjoying the benefits of both a paint and a film is to use both. Accordingly, one of ordinary skill would not have considered components of paint to be interchangeable with, and potentially useful as, components of an adhesive film. Therefore, in accordance with the teachings of Shibata, one of ordinary skill would not have considered the teachings of Nomura to be applicable or combinable with the teachings of films in JP 2001-232730. Therefore, one of ordinary skill would not have considered Nomura's HALS-hybrid methacrylic or acrylic polymer to render obvious the resin of a hard coat layer of an adhesive tape, such as that of Claim 21.

In view of the above, Applicants submit that Claims 21 and 18 are non-obvious over the cited references.

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CONCLUSION

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues may be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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